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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,631	09/26/2001	Willem Jan Douwe Van Beek	PHNL 000544	9731

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EXAMINER

AU, GARY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/963,631	Applicant(s) VAN BEEK, WILLEM JAN DOUWE	
	Examiner Gary Au	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 6/30/2006, PROSECUTION IS HEREBY REOPENED. New office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Response to Amendment

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,574,796 Roeck et al. (Roeck) and further in view of US Patent No. 6,798,463 (Sakakibara).

Considering claim 11, Roeck teaches a receiver (cable modem 500 – figure 5, col. 10 lines 52-65) comprising: means for receiving signals (tuner 504 – figure 5, col. 10 lines 52-65) in a frequency band (50-860 MHz, col. 1 lines 61-63 as this range also applies to applicant's invention), the frequency band having a plurality of substantially equally spaced and sized frequency channels (frequency channel is typically 6 MHz wide in the United States, col. 4 lines 22-32), each channel comprising a respective plurality of frequency regions, each respective plurality comprising a respective known frequency region in which data signals are most easily detectable (col. 9 lines 60-64); and means for searching (tuner 504 – figure 5, col. 10 lines 52-65) the band for at least one channel containing useful data, the searching means being adapted to perform operations (cable modem scans every 6th MHz beginning with 88 MHz, col. 4 lines 59-64), the operations comprising: starting the search with a predetermined frequency value, this predetermined frequency value being within the respective known frequency value, this predetermined frequency value being within the respective known frequency

region of a given channel (88 MHz, col. 4 lines 59-64), the frequency steps being substantially equal to the bandwidth of the frequency channels (the bandwidth of the frequency channel is 6 MHz and the frequency steps is also 6 MHz, col. 4 lines 25-27, 59-64); and scanning of the frequency band from the predetermined frequency value in accordance with frequency steps (cable modem scans every 6th MHz beginning with 88 MHz, col. 4 lines 59-64). However, Roeck does not teach stepwise scanning segments of the frequency band, the segments being frequency sub-bands that are substantially narrower than a channel, so that each step takes the scanning to a particular segment of the frequency band that is contained within the respective known region of a successive channel.

In an analogous art, Sakakibara teaches stepwise scanning segments of the frequency band (col. 5 line 57 – col. 7 line 32), the segments being frequency sub-bands that are substantially narrower than a channel (col. 7 lines 47-65 and col. 7 lines 34-64, where Sakakibara discusses scanning only 200 kHz around the center frequency), so that each step takes the scanning to a particular segment of the frequency band that is contained within the respective known region of a successive channel (col. 7 lines 47-65 and col. 7 lines 34-64, where Sakakibara discusses scanning only 200 kHz around the center frequency).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Roeck's system to include stepwise scanning segments of the frequency band, the segments being frequency sub-bands that are substantially narrower than a channel, so that each step takes the scanning to a particular segment

of the frequency band that is contained within the respective known region of a successive channel, as taught by Sakakibara, for the advantage of scanning for useful data in an efficient manner.

Considering claim 12, Roeck teaches the predetermined frequency value is based on the last known good signal (col. 7 lines 42-62).

Considering claim 13, Roeck teaches the predetermined frequency value is preprogrammed (col. 4 lines 52-67).

Considering claim 14, Roeck teaches a CATV system (two way HFC cable system – figure 1, col. 4 lines 44-52) comprising a primary station (headend 102 – figure 1, col. 2 lines 44-52) and a secondary station (PC 122 and cable modem 120 – figure 1, col. 3 lines 2-5), which secondary station comprises a receiver (receiver chip, col. 8 lines 33-58) as recited in claim 11.

Considering claim 15, Roeck teaches a method comprising executing operations in at least one data processing device, the operation comprising: receiving signals (tuner 504 – figure 5, col. 10 lines 52-65) in a frequency band (50 – 860 MHz, col. 1 lines 61-63 as this range also applies to applicant's invention), the frequency band having a plurality of substantially equally spaced and sized frequency channels (frequency channel is typically 6 MHz wide in the United States, col. 4 lines 22-32),

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each channel comprising a respective plurality of frequency regions, each respective plurality comprising a respective known frequency region in which data signals are most easily detectable (col. 9 lines 60-64); and searching the band for at least one channel containing useful data (cable modem scans every 6th MHz beginning with 88 MHz, col. 4 lines 59-64), the searching comprising: starting the search with a predetermined frequency value, this predetermined frequency value being within the respective known frequency region of a given channel (88 MHz, col. 4 lines 59-64); and scanning of the frequency band from the predetermined frequency value in accordance with frequency channels (cable modem scans every 6th MHz beginning with 88 MHz, col. 4 lines 59-64). However, Roeck does not teach stepwise scanning segments of the frequency band, the segments being frequency sub-bands that are substantially narrower than a channel, so that each step takes the scanning to a particular segment of the frequency band that is contained within the respective known region of a successive channel.

In an analogous art, Sakakibara teaches stepwise scanning segments of the frequency band (col. 5 line 57 – col. 7 line 32), the segments being frequency sub-bands that are substantially narrower than a channel (col. 7 lines 47-65 and col. 7 lines 34-64, where Sakakibara discusses scanning only 200 kHz around the center frequency), so that each step takes the scanning to a particular segment of the frequency band that is contained within the respective known region of a successive channel (col. 7 lines 47-65 and col. 7 lines 34-64, where Sakakibara discusses scanning only 200 kHz around the center frequency).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Roeck's system to include stepwise scanning segments of the frequency band, the segments being frequency sub-bands that are substantially narrower than a channel, so that each step takes the scanning to a particular segment of the frequency band that is contained within the respective known region of a successive channel, as taught by Sakakibara, for the advantage of scanning for useful data in an efficient manner.

Considering claim 16, Roeck teaches the predetermined frequency value is based on the last known good signal (col. 7 lines 42-62).

Considering claim 17, Roeck teaches the predetermined frequency value is preprogrammed (col. 4 lines 52-67).

Considering claim 18, Roeck teaches the data processing device comprises a television receiver (receiver chip, col. 8 lines 33-58) coupled to a CATV system (two way HFC cable system – figure 1, col. 4 lines 44-52).

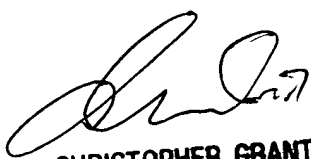
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA



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